

1 BILL NO. Z-85-04-10

2 ZONING MAP ORDINANCE NO. Z-85 *Lock*

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. J-23.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
6 INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated a B-1-B (Limited Business) District under the terms of Chapter 33  
9 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Lot #30 in Belle Vista Place Addition  
11 and the symbols of the City of Fort Wayne Zoning Map No. J-23, as established  
12 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
13 are hereby changed accordingly.

14 SECTION 2. That this Ordinance shall be in full force and  
15 effect from and after its passage and approval by the Mayor.

16 *Harlan S. Reed*  
17 COUNCILMEMBER

18  
19 APPROVED AS TO FORM AND LEGALITY

20 *[Signature]*  
21 BRUCE O. BOXBERGER, CITY ATTORNEY  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



Read the first time in full and on motion by Redd, seconded by Slaw, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.

DATE: 4-9-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Slaw, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 5-14-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED March 13, 1985

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE Monument Display

X/We Darrell G. and Carol A. Miller  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/~~an~~ R-B District to a/~~an~~ B-1-B District the property described as follows:

Lot # 30 Belle Vista Place Addition Allen County Fort Wayne, In 46809

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2312 Belle Vista Boulevard Fort Wayne, IN 46809

(General Description for Planning Staff Use Only)

X/We, the undersigned, certify that I am XX/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Darrell G. Miller

2312 Belle Vista Blvd.

Darrell G. Miller

Carol A. Miller

2312 Belle Vista Blvd.

Carol A. Miller

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Darrell G. Miller

2312 Belle Vista Blvd. Ft. Wayne, IN 46809 747-5830

(Name)

(Address & Zip Code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMEDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on April 9, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-04-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 15, 1985;

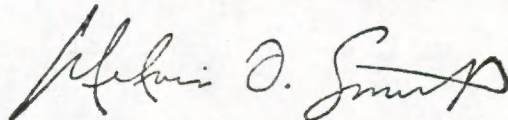
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 22, 1985.

Certified and signed this  
2nd day of May 1985.



Melvin O. Smith  
Secretary

## RECEIPT

No 10891

COMMUNITY DEVELOPMENT &amp; PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

100

DOLLARS

AUTHORIZED SIGNATURE

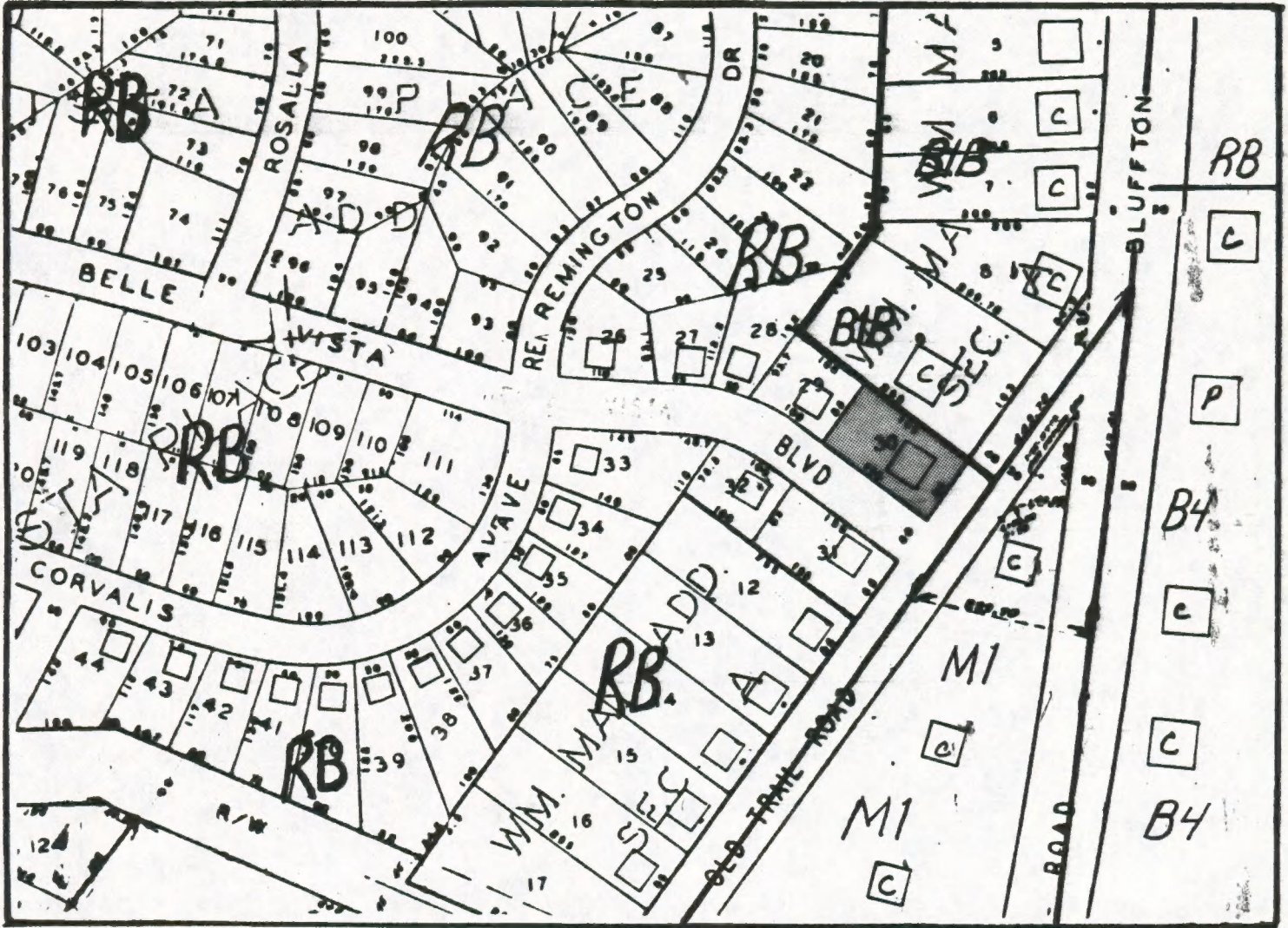


# ZONING PETITION #123

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN RB DISTRICT TO A BIB DISTRICT.

MAP NO. J-23

COUNCILMANIC DISTRICT NO. 4



## Zoning:

RB RESIDENCE "B"  
BIB LIMITED BUSINESS "B"  
B4 ROADSIDE BUSINESS  
M1 LIGHT INDUSTRY

## Land Use:

□ SINGLE FAMILY  
Ⓢ COMMERCIAL  
Ⓢ PUBLIC - FIRE STATION

BILL NO. G-85-04-10

Scale: 1" = 200'

-36-

Date: 3-26-85





**FACT SHEET**

Z-85-04-10

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

**DETAILS****Specific Location and/or Address**

2312 Bellle Vista Blvd.

**Reason for Project**

To allow for a monument business.

**Discussion (Including relationship to other Council actions)**April 15, 1985 - Public Hearing

Darrell Miller, petitioner stated that he wished to change the zoning in order to run a monument business from his property. He stated he has no intention of altering the present structure. He stated that he is bordered on the one side by a carpet outlet and across the street is a package liquor store.

Duane Embury questioned why he did not apply for a BZA Use Variance.

V.C. Seth, Director of Planning stated that according to state law in order to grant a variance the petitioner must prove a hardship on the property. He stated that the property as it is can be used for a single family residence. He stated the petitioners have no hardship.

Ben Eisbart read a letter from Mr. James D. Boyer, 2612 CleElum Drive along with a petition from the area residents in opposition to the request. The letter stated that this would be spot zoning and would also violate the Restrictive

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Darrell Miller

City Department

Other

**Opponents****Groups or Individuals**

James D. Boyer  
Area Residents  
**Basis of Opposition**

-adverse impact on area  
-not allowed by Restrictive  
Covenants of subdivision

**Staff  
Recommendation**☐ For ☒ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☐ For ☒ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass

# DETAILS

Covenants for the subdivision which states, "No lot shall be used except for residential purposes."

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

April 22, 1985 - Business Meeting

Motion to deny the request was made and carried.

Of the 8 members present 7 voted aye for the denial one did not vote.

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date March 13, 1985

Projected Completion or Occupancy

Date May 2, 1985

Fact Sheet Prepared by

Pat Biancaniello

Date May 2, 1985

Reviewed by

Gary F. Baeten

Date May 2, 1985

Reference or Case Number



ORIGINAL

DIGEST SHEET

Admn. Appr. \_\_\_\_\_

ORIGINAL

3-85-04-10

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lot #30 in Belle Vista Place Addition, 2312 Belle Vista Boulevard

EFFECT OF PASSAGE Property is now zoned RB - Suburban Residential. Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



BILL NO. Z-85-04-10

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort

Wayne Zoning Map No. J-23

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

XXX(~~RESOLUTION~~)

YES

NO

\_\_\_\_\_  
CHARLES B. REDD  
CHAIRMAN

\_\_\_\_\_  
JANET G. BRADBURY  
VICE CHAIRWOMAN

\_\_\_\_\_  
JAMES S. STIER

\_\_\_\_\_  
BEN A. EISBART

\_\_\_\_\_  
DONALD J. SCHMIDT

CONCURRED IN 5-14-85

*Charles B. Redd*

*Janet G. Bradbury*

*James S. Stier*

*Ben A. Eisbart*

*Donald J. Schmidt*  
SANDRA E. KENNEDY  
CITY CLERK